

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

STEPHEN SELL,)
)
 Petitioner,)
)
 vs.) Case No. 4:11-CV-168 JAR
)
 TROY STEELE,)
)
 Respondent.)

MEMORANDUM AND ORDER

This matter is before the Court on Petitioner Stephen Sell's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. (Doc. No. 1) The case was referred to United States Magistrate Judge Terry I. Adelman for report and recommendation pursuant to 28 U.S.C. § 636 (b).

On January 29, 2014, Judge Adelman filed his recommendation that Sell's habeas petition be denied without further proceedings. (Doc. No. 22) The parties were granted until February 12, 2014 to file objections to the Report and Recommendation, but to date, no objections have been filed.

Upon careful consideration, the Court will adopt the well-reasoned and thorough analysis of Judge Adelman and deny Sell's habeas petition for the reasons stated in the Report and Recommendation dated January 29, 2014.

The Court has also considered whether to issue a certificate of appealability. To grant a certificate of appealability, the Court must find a substantial showing of the denial of a federal constitutional right. See Cox v. Norris, 133 F.3d 565, 569 (8th Cir. 1997), *cert. denied*, 525 U.S. 834 (1998). A substantial showing is a showing that issues are debatable among reasonable jurists, a court could resolve the issues differently, or the issues deserve further proceedings. Id. Because

Petitioner has not made such a showing in this case, the Court will not issue a certificate of appealability.

Accordingly,

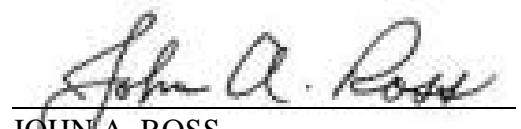
IT IS HEREBY ORDERED that the Report and Recommendation of the United States Magistrate Judge [22] is **SUSTAINED, ADOPTED, AND INCORPORATED** herein.

IT IS FURTHER ORDERED that Petitioner Stephen Sell's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 [1] is **DENIED**.

IT IS FURTHER ORDERED that the Court will not issue a certificate of appealability.

An appropriate Judgment will accompany this Order.

Dated this 24th day of February, 2014.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE